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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: <u>3:15-cv-00510-MMD-VPC</u>	

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MARYANNE DIGGS

Plaintiff,

v.

BLOCH, INC., et al.,  
JOHN EVANS  
ANDREW JERROSS

Defendant,

**"FIRST AMENDED COMPLAINT"**

Maryanne Diggs, for her cause of action against the defendants, state to the Court as follows:

1. Maryanne Diggs, a citizen and resident of Washoe County, Nevada.
2. John Evans and Andrew Jeross retaliated against Maryanne Diggs (employee) for reporting unlawful Conduct of John Evans (Supervisor)
3. On February 13, 2014 Maryanne Diggs (employee) reported to John Evans about developing extreme pain in her right arm due, to the cubical was awkwardly positioned which, made it difficult to process Orders and requested reasonable accommodation to relieve the horrible pain that developed after keying in numerous orders daily.
1. Plaintiff began working as a temp for Leos Dance wear on February 10, 2014, a day before that same Agency sent a young Caucasian male to fill the second customer service position.
2. During the second week plaintiff and the young male worker was offered a full-time permanent position with the company but, plaintiff was unaware a contract was offered thru her agency.
3. Plaintiff received only one day of basic training. For example, how to log in and out of computer Completing the daily log sheet, basic office rules, cellphone usage and, answering incoming and out-going call on the switchboard.
4. Plaintiff inquired to her supervisor Tamera Lemire about additional training on the company Software, catalog orders, shoes sizing charts and the company's different dancewear lines because, there were so many. But, due to Mrs. Lemires busy schedule and company meetings she always Responded "training was on the way" and "You're doing a great job" But, no proper company training was provided.
5. Plaintiff started experiencing problematic issues with many of the new and old customers regarding Receiving the wrong shoe sizes from previous employee's orders, discontinued items, and catalog catalog misprints. In addition, items that was on back order from previous employees on items they never received

6. At the end of February 2014 an announcement was made about Mrs. Lemirs would be out for a Medical condition and, John Evans would become the acting supervisor of plaintiffs department.

7. Prior to Mrs. Lemirs absence plaintiff requested a new keyboard and mouse only because the one assigned to her were malfunctioning and it was difficult to process and key in orders. The keys were Sticking and the mouse were malfunctioning. So, plaintiff approached John Evans to inquire about needing to have functional tools to do her job more productively he made belittling comments under his Breath and rolling his eyes in the back of his head completely ignoring any communications with plaintiff were she was forced to go back to her desk without resolution.

8. John Evans would allow the young Caucasian male to listen to his cell phone and surf the internet During working hours as well as take longer breaks and provide training for different procedure but continued to ignore plaintiffs.

9. John Evans would belittle plaintiff in front of other workers if she made a minor error instead of explaining why or how she made the error but, would reward the young Caucasian male and fully Explain each step of the process.

10. On February 26, 2014, there was an incident where Mr. Evans and I were in the storage room together. He made a comment to suggest that I should be happy that I was working there because They "don't hire a lot of blacks." Mr. Evans also, said that "black people have mental challenges and mental defects." Plaintiff was appalled by defendants' derogatory comments. Plaintiff was "are You serious? However, defendant gave a smirk (like turning up his nose) and walked out the room.

11. Over the weekend plaintiff was extremely disturbed by defendants' hostile behavior towards her. So, the following week, on March 5, 2014, she spoke with Andrew Jeross who was the Controller And Human Resource Director and complained about defendants behavior. However, the response was the complete opposite of what plaintiff expected at lease she wanted to know if, she did anything wrong To plaintiff to deserve such belittling hostile behavior but, Mr. Jeross stated that "defendant is under a lot of pressure and that plaintiff needed to just listen to what he tells plaintiff what to do.

12. From the time defendant became the acting supervisor for plaintiff's department he continued to make several offensive statements. For example, "plaintiff did not understand this position because, of Her age and, maybe we should place the young Hispanic receptionist in your position and, you can answer phones because, the younger male co-worker would look better with the young receptionist to Give the Leo's Dancewear department a makeover. Defendant's actions and behaviors were extremely insulting on several occasions making plaintiffs job impossible.

13. Plaintiff continued to work within an unsafe and awkward cubical without complaining hoping when Mrs., Lemire returned plaintiff won't have to deal with defendant and, she would be able to reprimand his hostile and derogatory comments toward plaintiff because, other employees would look the other Way

14. Plaintiff on March 19, 2014 after complaining about the keyboard injured herself and went to the E.R. and was told to not to use her right arm/hand and could return to work on the March 25, 2014. That's when defendant demanded a Doctor's note which I did furnish them. On returning on March 25, 2014 That's when defendant and Andrew Jeross called plaintiff in closed door room to inform plaintiff of the determination of employment and presented a check in the amount of \$361.68 and plaintiff was over Come with emotion and tears. Then they gave plaintiff only one alternative be demoted to warehouse or take the check and leave the Company. Plaintiff did not want to lose her job so, she took the warehouse.



15. After complaining to Andrew Jeross Controller and Human Resource Director about Defendants Harassing conduct, attitude and, demeanor it had an adverse effect on plaintiff doing her job because, defendants knew right from wrong that his behavior towards plaintiffs insulting her age was just Wrong informing her she was too old.

16. Andrew Jeross knew it was a negative action towards plaintiff to demote plaintiff from customer Service working eight hours from 8am to 5pm to a warehouse worker working twelve hours from 5am to 4pm made it detrimental on her schedule because, she cared for her two year old grandson which Challenged plaintiff's job loss

Even after plaintiff requested defendant stop negative acts immediately, HR Director deter plaintiff from making a complaint about retaliation on her being the only African American at the jobsite.

17. Plaintiff missed out on proper training and was denied equal terms and conditions as plaintiffs young Caucasian male co-workers had adequate training on company software, and product knowledge due to defendants' exclusion from staff training and meetings plaintiff received no training from. Plaintiff

18. Defendants lack of communication and, continued micromanaging everything plaintiff did made doing job impossible.

19. Plaintiff complained in "good faith" about the unsafe working conditions and, on the job safety Health hazards regarding her cubical, keyboard, and mouse from February 2014 to March 2014, but was "retaliated" against by given no alternative then demotion or termination.

20. Defendant and Human Resource Director never gave plaintiff any performance review

21. Defendant and Human Resource Director never provided plaintiff with disability or workers Compensation regarding injuries on 3/19/14 and 3/26/14 and, continued to send emails preventing any light duty work.

22. Defendants never provided plaintiff with any benefits including Obama Care regarding plaintiffs Healthcare.

23. Plaintiff was subjected to races jokes when she entered the break room and other employees were informed not to communicate with her; she was depressed due to defendants and HR Directors Actions against plaintiff she, had no other alternative than to report defendant to EEOC in March 28, 2014

X   
 MARYANNE DIGGS  
 1295 GRAND SUMMITL381  
 RENO. NV 89523  
 775 376-5954

## EXHIBIT LIST

page

1

Case #

3:15-CV-00510-MMD-VPC

Caption:

FIRST AMENDED COMPLAINT

Exhibits for:

UNITED STATES DISTRICT COURT DISTRICT OF NEVADAMaryanne Diggs v. Bloch, INC., et al

Date Marked	Date Admitted	number	Witness	Description
9-1-16	9-1-16	Exhibit 1		Conversion Contract
9-1-16	9-1-16	Exhibit 2		Jan 2014 Note Calender
9-1-16	9-1-16	Exhibit 3		Feb 2014 Note Calender
9-1-16	9-1-16	Exhibit 4		March 2014 Note Calender
9-1-16	9-1-16	Exhibit 5		LEAVE Request Form



## EXHIBIT LIST

page

2

Case #

3:15-cv-00510-MMD-VPC

Caption:

FIRST AMENDED COMPLAINT  
UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

Exhibits for:

Maryanne Diggs v. Bloch, INC, et al.

Date Marked	Date Admitted	number	Witness	Description
9-1-16	9-1-16	Exhibit 6		Patient History Information
9-1-16	9-1-16	Exhibit 7		Termination check
9-1-16	9-1-16	Exhibit 8		Description Report
9-1-16	9-1-16	Exhibit 9		EMAIL 3/29/14
9-1-16	9-1-16	Exhibit 10		EMAIL 4/3/14

## EXHIBIT LIST

page 3Case # 3:15-cv-00510-MMD-VPCCaption: FIRST AMENDED COMPLAINT  
UNITED STATES DISTRICT COURT DISTRICT OF NEVADAExhibits for: Maryanne Diggs v. Bloch, Inc, et al,

Date Marked	Date Admitted	number	Witness	Description
9-1-16	9-1-16	Exhibit 11		EMAIL 4/4/14
9-1-16	9-1-16	Exhibit 12		EMAIL 4/8/14 <sup>e</sup> 8:34AM
9-1-16	9-1-16	Exhibit 13		EMAIL 4/8/14 <sup>e</sup> 4:06PM



## EXHIBIT 1



February 12, 2014

**Personal & Confidential**

JOHN EVANS  
LEO'S DANCEWEAR  
1170 TRADEMARK DRIVE  
SUITE 112  
RENO, NV 89521

Job Order Number: 03110-117020

Dear John,

Thank you for selecting OfficeTeam to meet your staffing needs. MaryAnne Diggs will begin working for Leo's Dancewear as a Customer Service Representative on 02-10-2014. We are confident that MaryAnne will be a valuable addition to your company.

Our agreed upon conversion fee is \$2,496.00. The conversion fee is owed and will be invoiced immediately, and payment is due upon receipt. Applicable sales and service taxes will be added to the above amount. Because this is a conversion, no guarantee applies.

OfficeTeam specializes in the placement of highly skilled office and administrative support professionals on a temporary and temp-to-full-time basis. We are a division of Robert Half International Inc., the world's leader in specialized consulting and staffing services since 1948.

OfficeTeam checks selected references on our candidates. To assist you in determining whether or not you should conduct any additional pre-employment background checks, we invite you to read our booklet, *What You Should Know About Background Checks*, at [www.roberthalf.us/background](http://www.roberthalf.us/background). We hope you find it a useful resource.

Congratulations on your new hire! We look forward to working with you in the future. Please do not hesitate to contact us if you have any questions or if we can be of additional service.

Sincerely,

OfficeTeam  
5190 Neil Road  
Suite 320  
Reno, NV 89502  
(800) 804-8367



## EXHIBIT 2

# January 2016

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			<del>1</del> 001/354 New Year's Day	<del>2</del> 002/353	<del>3</del> 003/352	<del>4</del> 004/351
<del>5</del> 005/350	<del>6</del> 006/349	<del>7</del> 007/338	<del>8</del> 008/357	<del>9</del> 009/356	<u>10</u> 010/355	<del>11</del> 011/354
<del>12</del> 012/353	<del>13</del> 013/352	<del>14</del> 014/341	<del>15</del> 015/350	<u>16</u> 016/349 First Day	<u>17</u> 017/348	<del>18</del> 018/347
<del>19</del> 019/346	<del>20</del> 020/335 Martin Luther King Day	<del>21</del> 021/344 Dinner	<del>22</del> 022/353	<del>23</del> 023/342	<del>24</del> 024/341 Speci last Day	<del>25</del> 025/340
<del>26</del> 026/339	<del>27</del> 027/338 apples	<del>28</del> 028/337 dinner eye 510	<del>29</del> 029/336 last day	<del>30</del> 030/335	<del>31</del> 031/334	

JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
SMTWTFS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	SMTWTFS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	SMTWTFS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	SMTWTFS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	SMTWTFS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	SMTWTFS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	SMTWTFS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	SMTWTFS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	SMTWTFS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	SMTWTFS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	SMTWTFS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	SMTWTFS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31



## EXHIBIT 3

# February 2014

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						<del>1</del> 02/01/14
<del>2</del> 02/02/14	<del>3</del> 02/03/14	<del>4</del> 02/04/14	<del>5</del> 02/05/14 RFA	<del>6</del> 02/06/14 Request Keyboard	<del>7</del> 02/07/14 RFA	<del>8</del> 02/08/14
<del>9</del> 02/09/14 Groundhog Day	<del>10</del> 02/10/14 Ask about keyboard	<del>11</del> 02/11/14	<del>12</del> 02/12/14 Lincoln's Birthday	<del>13</del> 02/13/14 Complained about pain	<del>14</del> 02/14/14 Valentine's Day	<del>15</del> 02/15/14
<del>16</del> 02/16/14	<del>17</del> 02/17/14 Incident Shortened	<del>18</del> 02/18/14	<del>19</del> 02/19/14	<del>20</del> 02/20/14	<del>21</del> 02/21/14	<del>22</del> 02/22/14 Washington's Birthday
<del>23</del> 02/23/14	<del>24</del> 02/24/14 Presidents' Day	<del>25</del> 02/25/14 Contribution REQUEST	<del>26</del> 02/26/14 Ask Keyboard THINK Strong team	<del>27</del> 02/27/14 Incident week Exam Tame a Shaggy	<del>28</del> 02/28/14 Mentioned Keyboard	

JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
SMTWTFS	SMTWTFS	SMTWTFS	SMTWTFS	SMTWTFS	SMTWTFS	SMTWTFS	SMTWTFS	SMTWTFS	SMTWTFS	SMTWTFS	SMTWTFS
1 2 3 4	1 2 3 4	1 2 3 4 5	1 2 3 4 5	1 2 3	1 2 3 4 5 6 7	1 2 3 4 5	1 2	1 2 3 4 5 6	1 2 3 4	1 2 3 4	1 2 3 4 5 6
5 6 7 8 9 10 11	2 3 4 5 6 7 8	2 3 4 5 6 7 8	6 7 8 9 10 11 12	4 5 6 7 8 9 10	8 9 10 11 12 13 14	6 7 8 9 10 11 12	3 4 5 6 7 8 9	7 8 9 10 11 12 13	5 6 7 8 9 10 11	5 6 7 8 9 10 11	1 2 3 4 5 6
12 13 14 15 16 17 18	9 10 11 12 13 14 15	9 10 11 12 13 14 15	13 14 15 16 17 18 19	11 12 13 14 15 16 17	15 16 17 18 19 20 21	13 14 15 16 17 18 19	10 11 12 13 14 15 16	14 15 16 17 18 19 20	12 13 14 15 16 17 18	7 8 9 10 11 12 13	7 8 9 10 11 12 13
19 20 21 22 23 24 25	16 17 18 19 20 21 22	16 17 18 19 20 21 22	20 21 22 23 24 25 26	18 19 20 21 22 23 24	22 23 24 25 26 27 28	20 21 22 23 24 25 26	17 18 19 20 21 22 23	21 22 23 24 25 26 27	19 20 21 22 23 24 25	16 17 18 19 20 21 22	14 15 16 17 18 19 20
26 27 28 29 30 31	23 24 25 26 27 28	23 24 25 26 27 28 29 30 31	27 28 29 30	25 26 27 28 29 30 31	29 30	27 28 29 30 31	24 25 26 27 28 29 30 31	28 29 30	26 27 28 29 30 31	23 24 25 26 27 28 29 30	28 29 30 31



Reorder:  
H00331HD Jan. - Dec.  
www.houseofdoLittle.com  
Chicago, IL - Made in the USA

## EXHIBIT 4



# March 2014

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						<del>1</del> 060/205
<del>2</del> 061/204	<del>3</del> 062/203	<del>4</del> 063/202	<del>5</del> 064/201	<del>6</del> 065/200	<del>7</del> 066/199	<del>8</del> 067/198
	Orthodox Lent Begins		Sw. Antagonistic behavior Ass. Wednesday			
<del>9</del> 068/197	<del>10</del> 069/196	<del>11</del> 070/195	<del>12</del> 071/194	<del>13</del> 072/193	<del>14</del> 073/192	<del>15</del> 074/191
		incident				
<del>16</del> 075/190	<del>17</del> 076/189	<del>18</del> 077/188	<del>19</del> 078/187	<del>20</del> 079/186	<del>21</del> 080/185	<del>22</del> 081/184
	St. Patrick's Day			First Day of Spring		
<del>23</del> 082/183	<del>24</del> 083/182	<del>25</del> 084/181	<del>26</del> 085/180	<del>27</del> 086/179	<del>28</del> 087/178	<del>29</del> 088/177
<del>30</del> 089/176	<del>31</del> 090/175					

JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
SMTWTFS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	SMTWTFS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	SMTWTFS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	SMTWTFS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	SMTWTFS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	SMTWTFS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	SMTWTFS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	SMTWTFS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	SMTWTFS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	SMTWTFS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	SMTWTFS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	SMTWTFS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

## EXHIBIT 5